

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**HOFIT JENKINS,**

**Petitioner,**

**-v-**

**AVRAHAM JENKINS,**

**Respondent.**

**Case No. 03-08-CV-037**

**Judge Thomas M. Rose**

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**ENTRY AND ORDER GRANTING PETITIONER'S MOTION FOR A  
TEMPORARY RESTRAINING ORDER (Doc. #2) AND ORDERING  
RESPONDENT TO SURRENDER ORIN JENKINS' TRAVEL  
DOCUMENTS**

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This came before the Court upon the Motion of Petitioner, Hofit Jenkins, for a Temporary Restraining Order and for Expedited Proceedings against Respondent Avraham Jenkins for the return of her son Orin Jenkins (the "Child"). Petitioner's Motion is supported by the following facts: The Petitioner and the Respondent are the parents of the Child and are citizens of Israel. Petitioner and Respondent were married on November 28, 2001, in Haifa, Israel. Petitioner and Respondent resided in Israel until they relocated temporarily to Clayton, Ohio in April of 2007. The Child was born April 25, 2004, in Haifa, Israel and is an Israeli citizen.

The Hague Convention on the Civil Aspects of International Child Abduction (the "Hague Convention") applies to cases where a child under the age of sixteen (16) years has been removed or is retained from his or her habitual residence in breach of rights of custody of a petitioner that the petitioner had been exercising at the time of the wrongful removal or wrongful retention of the child. Both Israel and the United States are Contracting States to the Hague

Convention.

At the time of Respondent's wrongful retention of the Child on September 22, 2007, Petitioner was actually exercising custody rights within the meaning of Articles Three and Five of the Hague Convention in that she is the mother of the Child and has exercised custody rights over her son since he was born. She was the primary caretaker of the Child because Respondent traveled frequently on business. Furthermore, the Child was a resident of Israel until the family's temporary move to Ohio in April of 2007.

Petitioner has requested the return of the Child to Israel pursuant to her Request for Return, which Respondent has refused. Unless restrained, Petitioner will suffer irreparable harm from lack of communication with her Child and continued frustration of her parental rights.

The Court finds Petitioner's Motion well taken. It is therefore:

Ordered that Respondent be prohibited from removing the Child from the jurisdiction of this Court; and it is further

Ordered that Respondent surrender the Child's passport and other travel documents to the Clerk of the United States District Court for the Southern District of Ohio at Dayton. The Clerk is located at Room 712 of the Federal Building, 200 West Second Street, Dayton, Ohio; and it is further

Ordered that Respondent permit Petitioner to speak with the Child by phone for at least half an hour at least three times per week; and it is further

Ordered that Petitioner's Motion for a Preliminary Injunction be set for hearing before this Court at 9:00 a.m. on Thursday, February 21, 2008. This Court is located at Courtroom #2, Ninth Floor, Federal Building, 200 West Second Street, Dayton, Ohio; and it is further

Ordered that this Entry and Order be served upon Respondent with the Verified Petition;

and it is further

Ordered that Petitioner serve a copy of her Verified Petition, Declaration, Motion for Temporary Restraining Order and expedited hearing and a copy of this Entry and Order on Shawn P. Hooks, Esq., Attorney for Respondent. at Holzfaster, Cecil, McKnight and Mues, LPA, 1105 Wilmington Avenue, Dayton, Ohio 45420-4108 by email and by first class mail following service upon Respondent, and it is further

Ordered that no bond is required on this Temporary Restraining Order.

**DONE** and **ORDERED** in Dayton, Ohio, this Twelfth day of February, 2008.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record